

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4417

By Delegate Mallow

[Introduced January 16, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-29 of the Code of West Virginia, 1931, as amended, relating to
2 general provisions and voting definitions; and changing the definition reference of
3 "precinct" to "polling location".

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-29. Boards of election officials; definitions, composition of boards, determination of

number and type.

1 (a) For the purpose of this article:

2 (1) The term "standard receiving board" means those election officials charged with
3 conducting the process of voting within a precinct polling location and consists of no less than five
4 persons, to be comprised as follows:

5 (A) Each precinct polling location shall have at least one team of poll clerks, one team of
6 election commissioners for the ballot box, and one additional election commissioner; and

7 (B) At the discretion of the county clerk and county commission, any county may add
8 additional teams of poll clerks and commissioners to any precinct polling location, as necessary to
9 fairly and efficiently conduct an election;

10 (2) The term "counting board" means those election officials charged with counting the
11 ballots at the precinct polling location in counties using paper ballots and includes one team of poll
12 clerks, one team of election commissioners, and one additional commissioner.

13 (3) The term "team of poll clerks" or "team of election commissioners" means two persons
14 appointed by opposite political parties to perform the specific functions of the office: *Provided*, That
15 no team of poll clerks or team of election commissioners may consist of two persons with the same
16 registered political party affiliation or two persons registered with no political party affiliation; and

17 (4) The term "election official trainee" means an individual who is 16 or 17 years of age who
18 meets the requirements of subdivisions §3-1-28(2-6) of this code.

19 (b) For each primary and general election in the county, the county commission shall

20 designate the number and type of election boards for the various precincts polling locations
21 according to the provisions of this section. At least 84 days before each primary and general
22 election the county commission shall notify the county executive committees of the two major
23 political parties in writing of the number of nominations which may be made for poll clerks and
24 election commissioners.

25 (c) Until July 1, 2032, for each municipal election held at a time when there is no county or
26 state election:

27 (1) The governing body of the municipality shall perform the duties of the county
28 commission as provided in this section; and

29 (2) The standard receiving board may, at the discretion of the official charged with the
30 administration of election, consist of as few as four persons, including one team of poll clerks and
31 one team of election commissioners for the ballot box.

NOTE: The purpose of this bill is to change the definition reference of "precinct" to "polling location".

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.